

Remarks

Claims 1, 2, 4 and 6-10 are pending.

Claim 1 has been amended to correct a typographical error in the last amendment, to recite "having a DP of less than 1,500."

Claim 1 is also amended to claim a "shear thinning" gel, as supported by page 5, lines 29-30 of the specification (*The rheology profile of the CMC according to the invention shows a pseudoplastic (=shear-thinning) behaviour.*).

Claim 1 is further amended to recite that "wherein the gel reaches at least 60% of its gel strength within ten seconds of cessation of shear." The 10 seconds are discussed on page 5, lines 23-25 of the specification (*The drilling fluid composition of the present invention has good gelling properties as it builds up a gel within the first 10 seconds after circulation of the drilling fluid composition is slow or interrupted.*) and page 8, line 31 to page 9, line 1. The gel strength is indicated in Table 2 on page 13.

All rejections are believed moot by amendment, though Applicants will gladly appeal the double patenting issues once they are the sole rejections.

Use of a material in downhole drilling fluids cannot be an unfair extension of a monopoly on even, assuming for the sake of argument, the same material in processed meats (10/490,998) or fruit based products (10/537,199). MPEP §804 clearly states that "the public policy behind this doctrine is that: The public should . . . be able to act on the assumption that upon the expiration of the patent it will be free to use not only the invention claimed in the patent but also *modifications or variants which would have been obvious to those of ordinary skill* in the art at the time the invention was made." Emphasis added. Applicants can see no scenario where the expiration of a patent covering liverwurst would make the public reasonably feel free to use a drilling mud, or *vice versa*. The focus of any double

patenting analysis necessarily is on the claims in the multiple patents or patent applications involved in the analysis. MPEP §804.

The Examiner is invited to contact the undersigned if it will facilitate prosecution.

Respectfully submitted,

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